

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Cai, et al.

Group No.: To be assigned *OIP*

Serial No.: 09/975,446

Docket No. 60705-1930

*MAR 28 2002*

Filed: October 11, 2001

For: System and Method for Providing Adaptive Rate Selection

**RESPONSE TO MISSING PARTS NOTICE****COPY OF PAPERS  
ORIGINALLY FILED**

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231  
*01/15/02*

Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted, dated November 19, 2001, please find enclosed:

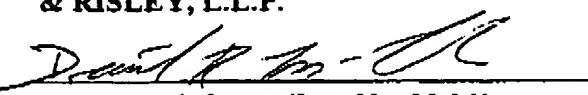
1. Declaration (executed);
  2. a copy of the Notice to File Missing Parts of Application, Filing Date Granted;
- and
3. a check in the amount of \$130.00 to cover the additional surcharge fee for filing this Response to the Missing Parts Notice.

The Commissioner is authorized to charge Deposit Account 20-0778 for any deficiencies or credit any over payments.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER  
& RISLEY, L.L.P.**

By:

  
Daniel R. McClure; Reg. No. 38,962

Suite 1750, 100 Galleria Parkway  
Atlanta, Georgia 30339-5948  
(770) 933-9500

MAR 28 2002

PAGE 4

PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	20-0778
Deposit Account Name	Thomas, Kayden, Horstemeyer Risley
<input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	

2.  Payment Enclosed:
 Check     Money Order     Credit Card     Other

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	\$
106	330	208	165	Design filing fee	\$
107	510	207	255	Plant filing fee	\$
108	740	208	370	Reissue filing fee	\$
114	160	214	80	Provisional filing fee	\$
SUBTOTAL (1)				(\$)	0

## 2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x 9.00 =	
Independent Claims	-3*** =	x 42.00 =	
Multiple Dependent		140.00 =	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent Claims in excess of 3
104	280	204	140	Multiple dependent claims in excess of 3
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)				

\*\* or number previously paid, if greater; For Reissues, see above

## Complete If Known

Application Number	09/975,446
Filing Date	October 11, 2001
First Named Inventor	Cal, et al.
Examiner Name	To be assigned
Group / Art Unit	To be assigned
Attorney Docket No.	60705-1930

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee	
127	60	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
118	400	216	200	Extension of time within second month	
117	920	217	480	Extension of time within third month	
118	1,440	218	720	Extension of time within fourth month	
128	1,960	228	980	Extension of time within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	180	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	128	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (time number of properties)	
146	740	248	370	Filing a submission after final rejection (37 CFR 1.129(a))	
148	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					Missing Parts Fee _____
Other fee (specify)					130

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$ 130

Complete (if applicable)

SUBMITTED BY			
Typed or Printed Name	Daniel R. McClure	Registration No. 38,962 (Attorney/Agent)	Telephone Number 770-933-9500
Signature			
Date	12-11-01	Deposit Account User ID	24504

WARNING: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:

**CERTIFICATE OF MAILING**

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

*OIF*  
MAR 2 8 2002

**Assistant Commissioner for Patents**  
Box: Missing Parts  
Washington, D.C. 20231

on December 11, 2001

Hui Chin Barnhill  
Hui Chin Barnhill

In re application of:	Cai, et al.	Art Unit:	To be assigned
U.S. Serial Number:	09/975,446	Examiner:	To be assigned
Filing Date:	October 11, 2001	Our Reference Number: 60705-1930	
Title: System and Method for Providing Adaptive Rate Selection			

The following is a list of documents enclosed:

- Return Postcard
- Missing Parts Response
- Copy of Notice to File Missing Parts
- Declaration (executed)
- Check in the amount of \$130.00
- Fee Transmittal

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.

MAR 28 2002



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,446	10/11/2001	Lujing Cai	060705-1930

CONFIRMATION NO. 9170

24504  
 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
 100 GALLERIA PARKWAY, NW  
 STE 1750  
 ATLANTA, GA 30339-5948

FORMALITIES LETTER  
  
 \*OC000000007087652\*

Date Mailed: 11/14/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

COPY OF PAPERS

ORIGINALLY FILED

8/11/02

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice MUST be returned with the reply.*

*lf*

Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 1 - ATTORNEY/APPLICANT COPY

THOMAS, KAYDEN  
 HORSTEMEYER & RISLEY, LLP

NOV 19 2001

DOCKETED  
 AFM&P due 1/14/02

MAR 28 2002

Serial No.: 09/975,446  
 Patent No.: \_\_\_\_\_  
 Applicant: Cai, et al.  
 Title: System and Method for Providing Adaptive Rate Selection  
 Docket No.: 1070S-1930  
 EM No.: \_\_\_\_\_

C/M Date: 12-10-01  
 Due Date: \_\_\_\_\_

PATENT AND TRADEMARK OFFICE  
 STAMP HEREON ACKNOWLEDGES  
 RECEIPT OF THE BELOW  
 IDENTIFIED PAPERS:

Cert. of Mailing:  Regular US Mail  
 Express Mail  
 Fees  \$ 130.00  
 Pymt Form  Check  
 Dep. Acct.  
 Credit Card Paym't Form  
 Fee Transmittal Page

## USPTO STAMP

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Missing Parts Response                        | <input type="checkbox"/> Issue Fee Trx.                | <input type="checkbox"/> In Duplicate                  |
| <input type="checkbox"/> Verified Small Entity Statement(s)                       | <input type="checkbox"/> Sheets of Drawings            | <input type="checkbox"/> Sheets of Drawings            |
| <input checked="" type="checkbox"/> Declaration & Power of Attorney               | <input type="checkbox"/> Formal                        | <input type="checkbox"/> Informal                      |
| <input type="checkbox"/> Preliminary Amendment                                    | <input type="checkbox"/> Letter/Trx. To Draftsman      | <input type="checkbox"/> Letter/Trx. To Draftsman      |
| <input type="checkbox"/> Information Disclosure Statement                         | <input type="checkbox"/> Prior to NOA                  | <input type="checkbox"/> W/I NOA                       |
| <input type="checkbox"/> Form 1449  | <input type="checkbox"/> After NOA                     | <input type="checkbox"/> After NOA                     |
| <input type="checkbox"/> Cited Prior Art References ( )                           | <input type="checkbox"/> Maintenance Fee Transmittal   | <input type="checkbox"/> Maintenance Fee Transmittal   |
| <input type="checkbox"/> Assignment/Assign't Cover Sheet                          | <input type="checkbox"/> 3.5                           | <input type="checkbox"/> 7.5                           |
| <input type="checkbox"/> Status Inquiry (in duplicate)                            | <input type="checkbox"/> in duplicate                  | <input type="checkbox"/> 11.5                          |
| <input type="checkbox"/> Amendment Transmittal Page                               | <input type="checkbox"/> Terminal Disclaimer           | <input type="checkbox"/> Terminal Disclaimer           |
| <input type="checkbox"/> Amendment  | <input type="checkbox"/> Notice of Appeal              | <input type="checkbox"/> Notice of Appeal              |
| <input type="checkbox"/> Non-Final  | <input type="checkbox"/> Appeal Brief                  | <input type="checkbox"/> Appeal Brief                  |
| <input type="checkbox"/> After Notice of Allowance                                | <input type="checkbox"/> Request for Refund            | <input type="checkbox"/> Request for Refund            |
| <input type="checkbox"/> Petition for Extension of Time                           | <input type="checkbox"/> Request for Correction F/R    | <input type="checkbox"/> Request for Correction F/R    |
| to: _____   | <input type="checkbox"/> Notice of Continuation Appl.  | <input type="checkbox"/> Notice of Continuation Appl.  |
| <input type="checkbox"/> Petition to Make Special                                 | <input type="checkbox"/> Request for Cert. Of Correct. | <input type="checkbox"/> Request for Cert. Of Correct. |
| <input checked="" type="checkbox"/> Other: <u>Copy of Notice of Missing Parts</u> | <input type="checkbox"/> Certificate of Correction x 2 | <input type="checkbox"/> Certificate of Correction x 2 |

Person Mailing: HCP Responsible Atty: DRM

0280

OIP&amp;

MAR 28 2002

**TKHR**  
**THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.**

ATTORNEYS AT LAW

100 Galleria Parkway, NW  
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 Atlanta, GA 30339-5948  
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*Daniel R. McClure*  
 Telephone: (770) 933-9500 x 259

March 28, 2002

## FACSIMILE TRANSMISSION

[60705-1930]

<b>TO</b> <hr/> <b>OIPE</b> <hr/> <b>FAX: 703-746-4060</b>	<b>From</b> <hr/> <b>Daniel R. McClure</b> <hr/> <b>FAX: 770-951-0933</b>
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TEL: **770-933-9500**

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RE: Appn. No. 09/975,446

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(Message) Please find attached a copy of the documents filed on December 11, 2001, in connection with the Notice of Missing Parts. As well, we understand that no fee is due since our check for this fee of \$130.00 was deposited on January 24, 2002.

**Number of Pages (Including This Cover Sheet): - 10 - Page**  
**PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES.**

**CONFIDENTIAL**

The information in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this facsimile in error, please notify us by telephone and return the original message to us at the address above via the United States Postal Service. Thank you.

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INTERNATIONAL PATENT, TRADEMARK AND COPYRIGHT LAW AND RELATED LITIGATION

OIPE

MAR 28 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

Application Number	Filing Date	First Named Applicant	Atty. Docket No.
09/975,446	10/11/2001	Cai, Lujing	60765-1930

24504  
 THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
 100 GALLERIA PARKWAY, NW  
 STE 1750  
 ATLANTA GA 30339-5948

DOCKETED  
 RESPONSE DUE 4/5/02

Title: System and method for providing adaptive rate selection

Date Mailed: 03/22/2002

## Request for Substitute Papers

The papers filed on 01/15/02 (certificate of mailing dated 12/11/01) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-746-4060(OIPE)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO strongly prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within two (2) weeks of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. A copy of this notice should be included with the reply.

The enclosed papers are a complete and accurate copy of the above-identified papers.

THOMAS, KAYDEN  
 HORSTEMEYER & RISLEY, LLP

Name: Daniel R. McClure Registration No.: 38,962

Signature: Daniel R. McClure Date: 3-28-02

MAR 25 2002

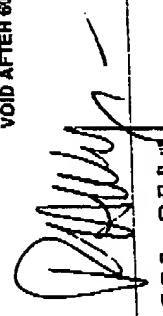
MAR 28 2002

20392

THOMAS, KAYDEN, HORSTMEYER &amp; RISLEY, L.L.P.

DATE	DESCRIPTION	INVOICE #	CHECK	AMOUNT	DEDUCTION	NET AMOUNT
12/11/01	Commissioner of Patents & Trademarks Missing Parts/60705.1930	121107		130.00		130.00

CHECK DATE	CONTROL NUMBER	TOTALS ▶	GROSS:	130.00	Ded:	0.00	Net:	130.00
12/11/01	20392							

20392		20392	
<b>THOMAS, KAYDEN, HORSTMEYER &amp; RISLEY, L.L.P.</b> 100 GALLERIA PARKWAY, N.W. SUITE 1750 ATLANTA, GA 30339-5946 PH. 770-933-9500		<b>WACHOVIA BANK, N.A.</b> ATLANTA, GA 30339 64-1-610	
DATE	CHECK	AMOUNT	
12/11/01		*** \$130.00	
*** ONE HUNDRED THIRTY & 00/100 DOLLARS PAY TO THE ORDER OF: Commissioner of Patents & Trademarks			
VOID AFTER 60 DAYS			
 12 886 086			